

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 6:07CR95(26)
	§	
EMMANUEL LAMARK BUCHANAN	§	

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On August 12, 2013, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Emmanuel Lamark Buchanan. The government was represented by Jim Noble, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Wayne Dickey.

Pursuant to a written Plea Agreement, Defendant pled guilty to the offense of Possession with Intent to Distribute Cocaine Base, a Class B felony. The offense carried a statutory maximum imprisonment term of 40 years. The United States Sentencing Guideline range, based on a total offense level of 21 and a criminal history category of II, was 60 months. On January 7, 2009, Chief District Judge Leonard Davis sentenced Defendant to 60 months imprisonment followed by 5 years of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure and substance abuse testing and treatment. Defendant completed the term of imprisonment and began his term of supervised release in the Eastern District of Texas on July 6, 2012.

Under the terms of supervised release, Defendant was prohibited from committing another crime. In its petition, the government alleges that Defendant violated his term of supervised release when he committed the offense of burglary of a habitation, to which he pled

guilty in the 124th District Court of Gregg County, Texas on June 6, 2013 (Case Number 42077-B).

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by committing another crime, Defendant will have committed a Grade B violation. U.S.S.G. § 7B1.1(a). Upon a finding of a Grade B violation, the Court may revoke probation or supervised release or extend the term of supervised release and/or modify conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of II, the Guideline imprisonment range for a Grade B violation is 6 to 12 months. U.S.S.G. § 7B1.4(a).

At the hearing, Defendant pled true to the allegations set forth above. The government recommended 6 months imprisonment, consecutive with the state sentence received in Cause Number 42077-B in the 124th District Court in Gregg County, Texas, with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Emmanuel Lamark Buchanan be committed to the custody of the Bureau of Prisons for a term of imprisonment of 6 months, with no supervised release to follow. This sentence is to run consecutive to the state sentence received in Cause Number 42077-B in the 124th District Court, Gregg County, Texas. The Court recommends the Defendant's place of confinement in Pollock, Louisiana.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 21st day of August, 2013.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE